

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MICROSOFT CORPORATION,)
)
Plaintiff,)
)
v.) C.A. No. 07-090 (SLR)
)
ALCATEL BUSINESS SYSTEMS and) **REDACTED VERSION**
GENESYS TELECOMMUNICATIONS)
LABORATORIES, INC.,)
)
Defendants.)

DECLARATION OF PO CHING LIN

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MICROSOFT CORPORATION,)
Plaintiff/Counterclaim Defendant,)
v.) Civil Action No. 07-90-SLR
ALCATEL BUSINESS SYSTEMS)
and)
GENESYS TELECOMMUNICATIONS)
LABORATORIES, INC.,)
Defendants/Counterclaim Plaintiffs.)

DECLARATION OF PO CHING LIN

I, Po Ching Lin, declare:

1. I am currently an engineer in the Professional Services Group at Alcatel USA ("Alcatel"), a subsidiary of Alcatel-Lucent.
2. My office address is 7 Stiles Road, Salem New Hampshire, 03079.
3. In 2000, I worked in Alcatel USA's Research and Development group testing and validating Alcatel's PBX products, including testing new software releases and software application integration with the PBXs. My immediate supervisor was Jose Paulet.
4. In 2002, I began working in Alcatel USA's Technical Support Group at support level 3, the highest level of technical support. My immediate supervisors included, at different times, Josh Mazerolle and Pedro Juarez.
5. In 2005, I began working in Alcatel USA' Professional Services Group. I currently specialize in the installation, configuration, troubleshooting and customized

*Po Ching Lin
8/27/07*

onsite training of, among others, the OmniPCX Enterprise ("OXE") and the OmniTouch Unified Communications software suite ("OTUC"). I understand that I am one of a limited number of Alcatel Professional Services engineers with the experience and training sufficient to install the OTUC software. My immediate supervisor is Arnold Intal.

6. On or before June 19, 2007 I was informed by Mr. Intal that I would be installing an Alcatel Unified Communications System comprising an OXE and a My Teamwork server as well as certain software applications from the OTUC software suite (hereinafter the "Alcatel System") for one of Alcatel-Lucent's business partners, Alliance Telecommunications ("Alliance"). (See, e.g., Ex. A.) I understood that the installation was for a company called Miercom and that the installation was for testing to determine whether Miercom would deploy some form of an Alcatel Unified Messaging Communications system in its offices.

7. As part of the installation of OXE and OTUC, I also provide training on the administration, use and configuration of the products. This information is considered confidential to Alcatel-Lucent and is only intended for customers.

8. On or about June 22, 2007 I was informed that the installation was going to be at one of Miercom's sites in Washington D.C. The address for the installation was 1425 K Street, N.W., Washington, D.C. 20005-3500. (Ex. B.)

9. On June 26, 2007, I met with Dan McGirr, a technician from Alliance, in Washington D.C. to travel to what we believed was the Miercom site at 1425 K Street, N.W. to install the Alcatel System. When we arrived at the address, we discovered that Miercom was not located there. The address was for a company called Fish &

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Richardson. Mr. McGirr contacted Alliance and was told that the installation was not going to be at a Miercom site, but that it would be at Fish & Richardson.

10. On June 26, 2007, the first day of the installation, I met with Rama Elluru. Ms. Elluru told me her name but did not give me a business card.

11. I introduced myself to Ms. Elluru and told her that I worked for Alcatel. I also gave her my Alcatel business card, which identifies me as an Alcatel "Professional Service Engineer" in the "Enterprise Solutions Division". (Ex. C.)

12. Ms. Elluru asked me for how long I had been working for Alcatel. I told her for twenty years.

13. Ms. Elluru asked me what I specialized in. I told her that I specialized in the installation of OXE and OTUC.

14. Ms. Elluru did not at any time identify herself as an attorney. Nor did Ms. Elluru at any time tell me that she was representing Microsoft in a lawsuit against any Alcatel-Lucent entity.

15. I also met Joshua Pond on the first day of the installation. Mr. Pond told me his name but did not give me a business card.

16. I introduced myself to Mr. Pond and told him that I worked for Alcatel.

17. Mr. Pond did not at any time identify himself as an attorney. Nor did Mr. Pond at any time tell me that he was representing Microsoft in a lawsuit against any Alcatel-Lucent entity.

18. Throughout the initial install process, which took place from June 26, 2007 – June 29, 2007, Ms. Elluru and Mr. Pond asked me a large number of specific questions about the functionality of My Assistant which is one of the OTUC software applications.

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They also asked extensive questions about how the Alcatel System performed call routing.

19. Ms. Elluru was very interested in My Assistant and the SoftPhone and how call routing was or could be performed based on caller-identification or entries into a user's calendar in My Assistant or Microsoft Outlook.

20. Ms. Elluru also asked me to provide her with all end-user guides related to the Alcatel System, which I did.

21. With respect to My Assistant and the OXE, Ms. Elluru and Mr. Pond asked me questions concerning how telephone calls were connected and routed.

22. Mr. Pond asked me questions concerning the configuration and topology of the Alcatel System, such as whether the Alcatel System could be used with a Microsoft Exchange Server and how the OTUC applications interacted with the OXE.

23. I answered Ms. Elluru's and Mr. Pond's questions to the best of my ability and they wrote down the answers I gave to them.

24. During the first week, Ms. Elluru asked me for my cell phone number, and I gave it to her.

25. On or about June 28, 2007, the My Assistant software application was not working properly, and I created a Case through Alcatel-Lucent technical support for assistance in solving this problem. (Ex. D.)

26. On or about June 29, 2007, I learned from Mr. Intal that Ms. Elluru requested that I go back to Fish & Richardson to perform additional training and system configuration.

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8/29/07

27. On July 2, 2007 I went back to Fish & Richardson, fixed the configuration of My Assistant and started training Ms. Elluru and Mr. Pond on the Alcatel System. I provided them with confidential Alcatel information concerning the use and administration of the Alcatel system. Ms. Elluru and Mr. Pond asked me additional detailed questions concerning how calls were routed in the Alcatel System and how the Alcatel System was configured. They also asked me extensive questions concerning the ability of an administrator to modify the call routing functionality of the system and whether the OTUC software could be integrated with Microsoft Outlook. I answered all of their questions to the best of my ability with information that is confidential to Alcatel-Lucent and is intended only for customers.

28. I also met with Ahmed Davis at some point, possibly on July 2, 2007. Mr. Davis appeared to me to be a manager.

29. Mr. Davis did not at any time identify himself as an attorney. Nor did Mr. Davis at any time tell me that he was representing Microsoft in a lawsuit against any Alcatel-Lucent entity.

30. On July 3, 2007, I went back to Fish & Richardson to further train Ms. Elluru and Mr. Pond. On that day, Ms. Elluru and Mr. Pond put me in a conference room and told me that they were going to try to configure and operate the Alcatel System on their own and that they would come to the conference room to ask me questions if they had a problem or a question. I stayed in the conference room for 5 to 6 hours and answered all of their questions. They again wrote down my answers. The questions were directed primarily toward attempting to configure the Alcatel System to perform call routing based on entries in a user's Outlook or My Assistant calendar. I explained to them that

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the Alcatel System could not be integrated with Outlook's calendar to perform call routing and that entries into the Outlook calendar do not affect call routing.

31. While I was waiting in the conference room, there was a patent lying on the conference room table. I typed the patent number into Google and saw that the patent was assigned to Microsoft.

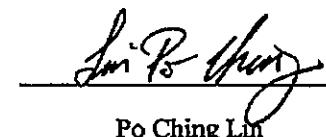
32. I knew that there had been lawsuits between Microsoft and Alcatel-Lucent so I emailed my supervisor, Mr. Intal, when I returned from the July 4, 2007 holiday stating my belief that Fish & Richardson did not really intend to deploy a system in its offices, but that Fish & Richardson was a law firm involved in patent litigation. I was not aware of any specific lawsuits or which companies might be involved. (Ex. E.)

33. I did not follow up regarding my email to Mr. Intal, nor did I have any further contact with any of the attorneys from Fish & Richardson.

34. At no time during my work on the Alcatel System at Fish & Richardson was I aware that Fish & Richardson, Ms. Elluru, Mr. Pond and Mr. Davis were representing Microsoft in a lawsuit against any Alcatel-Lucent entity.

35. I declare under the penalty of perjury that the foregoing is true and correct.

Dated August 27, 2007



Po Ching Lin

EXHIBIT A

REDACTED

EXHIBIT B

REDACTED

EXHIBIT C



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EXHIBIT D

REDACTED

EXHIBIT E

REDACTED

CERTIFICATE OF SERVICE

I, Maryellen Noreika, hereby certify that on September 10, 2007 I electronically filed the foregoing document, which will send notification of such filing(s) to the following:

Thomas L. Halkowski, Esquire
FISH & RICHARDSON P.C.

I also certify that copies were caused to be served on September 10, 2007 upon the following in the manner indicated:

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